

HOUSE BILL 68

M3, P2

0lr0063

(PRE-FILED)

By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Requested: October 5, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Department of the Environment – Grants – Small Businesses and Certified**
3 **Minority Business Enterprises**

4 FOR the purpose of requiring applicants for certain financial assistance from the
5 Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund to demonstrate
6 that certain steps were taken to include certain small businesses and certain
7 certified minority business enterprises; authorizing the Department of the
8 Environment to withhold certain financial assistance under certain
9 circumstances; requiring the Department to consider the availability to
10 grantees of certain small businesses and certain certified minority business
11 enterprises when making a certain determination; establishing a threshold to
12 require grantees that receive grants that exceed a certain amount from a
13 certain fund to take steps to include certain small businesses and certain
14 certified minority business enterprises; and generally relating to small
15 businesses and certified minority business enterprise participation and the
16 Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund.

17 BY repealing and reenacting, with amendments,
18 Article – Environment
19 Section 9–1605.3
20 Annotated Code of Maryland
21 (2007 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Environment**

4 9–1605.3.

5 (a) (1) There is a Chesapeake and Atlantic Coastal Bays Nonpoint Source
6 Fund.

7 (2) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
8 shall be maintained and administered by the Administration in accordance with the
9 provisions of this subtitle and such rules or Program directives as the Secretary or the
10 Board may from time to time prescribe.

11 (b) The purpose of the Chesapeake and Atlantic Coastal Bays Nonpoint
12 Source Fund is to provide financial assistance for the implementation of urban and
13 suburban stormwater management practices, and stream and wetland restoration.

14 (c) There shall be deposited in the Chesapeake and Atlantic Coastal Bays
15 Nonpoint Source Fund:

16 (1) Money distributed to the Chesapeake and Atlantic Coastal Bays
17 Nonpoint Source Fund under § 8–2A–04 of the Natural Resources Article and
18 appropriated in the State budget for the Fund;

19 (2) Net proceeds of bonds issued by the Administration;

20 (3) Interest or other income earned on the investment of moneys in the
21 Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund; and

22 (4) Any other moneys from any other source accepted for the benefit of
23 the Fund.

24 (d) (1) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
25 is a special, continuing, nonlapsing fund that is not subject to § 7–302 of the State
26 Finance and Procurement Article.

27 (2) Money in the Chesapeake and Atlantic Coastal Bays Nonpoint
28 Source Fund may not revert or be transferred to the General Fund of the State.

29 (3) Subject to the provisions of any applicable bond resolution
30 regarding the holding or application of amounts in the Chesapeake and Atlantic
31 Coastal Bays Nonpoint Source Fund, the Treasurer shall separately hold, and the
32 Comptroller shall account for, the Chesapeake and Atlantic Coastal Bays Nonpoint
33 Source Fund.

1 (4) Subject to the provision of any applicable bond resolution
2 governing the investment of amounts in the Chesapeake and Atlantic Coastal Bays
3 Nonpoint Source Fund, the Chesapeake and Atlantic Coastal Bays Nonpoint Source
4 Fund shall be invested and reinvested in the same manner as other State funds.

5 (5) Any investment earnings shall be retained to the credit of the
6 Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund.

7 (6) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
8 shall be subject to audit by the Office of Legislative Audits as provided under § 2–1220
9 of the State Government Article.

10 (7) The Administration may from time to time establish accounts and
11 subaccounts within the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
12 as may be deemed desirable to effectuate the purposes of this subtitle, to comply with
13 the provisions of any bond resolution, or to meet any requirement or rules or program
14 directives established by the Secretary or the Board.

15 (8) The Administration shall operate the Chesapeake and Atlantic
16 Coastal Bays Nonpoint Source Fund in accordance with §§ 9–1607 through 9–1622 of
17 this subtitle.

18 (e) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund shall
19 be used:

20 (1) To award grants for up to 100 percent of project costs relating to
21 planning, design, and construction of urban and suburban stormwater management
22 practices, and stream and wetland restoration;

23 (2) As a source of revenue or security for the payment of principal and
24 interest on bonds issued by the Administration if the proceeds of the sale of such bonds
25 will be deposited in the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund;

26 (3) For costs associated with the issuance of bonds;

27 (4) To earn interest on the Chesapeake and Atlantic Coastal Bays
28 Nonpoint Source Fund accounts; and

29 (5) For the reasonable costs of administering the Chesapeake and
30 Atlantic Coastal Bays Nonpoint Source Fund.

31 **(F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
32 **THE MEANINGS INDICATED.**

33 **(II) “CERTIFIED MINORITY BUSINESS ENTERPRISE” HAS**
34 **THE MEANING STATED IN § 14–301 OF THE STATE FINANCE AND**
35 **PROCUREMENT ARTICLE.**

1 (III) "SMALL BUSINESS" HAS THE MEANING STATED IN
2 § 14-501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (2) FOR FINANCIAL ASSISTANCE OVER \$500,000 AWARDED
4 UNDER THE FUND, THE GRANTEE SHALL DEMONSTRATE, TO THE SATISFACTION
5 OF THE DEPARTMENT, THAT STEPS WERE TAKEN TO INCLUDE SMALL
6 BUSINESSES, CERTIFIED MINORITY BUSINESS ENTERPRISES, AND CERTIFIED
7 MINORITY BUSINESS ENTERPRISES CLASSIFIED AS WOMEN-OWNED BUSINESSES
8 BY:

9 (I) PLACING SMALL BUSINESSES, CERTIFIED MINORITY
10 BUSINESS ENTERPRISES, AND CERTIFIED MINORITY BUSINESS ENTERPRISES
11 CLASSIFIED AS WOMEN-OWNED BUSINESSES ON SOLICITATION LISTS;

12 (II) ASSURING THAT SMALL BUSINESSES, CERTIFIED
13 MINORITY BUSINESS ENTERPRISES, AND CERTIFIED MINORITY BUSINESS
14 ENTERPRISES CLASSIFIED AS WOMEN-OWNED BUSINESSES ARE SOLICITED
15 WHENEVER THEY ARE POTENTIAL SOURCES;

16 (III) DIVIDING TOTAL REQUIREMENTS, WHEN
17 ECONOMICALLY FEASIBLE, INTO SMALL TASKS OR QUANTITIES TO PERMIT
18 MAXIMUM PARTICIPATION OF SMALL BUSINESSES, CERTIFIED MINORITY
19 BUSINESS ENTERPRISES, AND CERTIFIED MINORITY BUSINESS ENTERPRISES
20 CLASSIFIED AS WOMEN-OWNED BUSINESSES;

21 (IV) ESTABLISHING DELIVERY SCHEDULES, WHERE THE
22 REQUIREMENT PERMITS, THAT ENCOURAGE PARTICIPATION BY SMALL
23 BUSINESSES, CERTIFIED MINORITY BUSINESS ENTERPRISES, CLASSIFIED AS
24 WOMEN-OWNED BUSINESSES; AND

25 (V) USING THE SERVICES AND ASSISTANCE OF THE
26 DEPARTMENT OF TRANSPORTATION AND THE GOVERNOR'S OFFICE OF
27 MINORITY AFFAIRS IN IDENTIFYING AND SOLICITING SMALL BUSINESSES,
28 CERTIFIED MINORITY BUSINESS ENTERPRISES, AND CERTIFIED MINORITY
29 BUSINESS ENTERPRISES CLASSIFIED AS WOMEN-OWNED BUSINESSES.

30 (3) IN DETERMINING WHETHER THE GRANTEE TOOK THE STEPS
31 DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL
32 CONSIDER THE AVAILABILITY TO THE GRANTEE OF SMALL BUSINESSES,
33 CERTIFIED MINORITY BUSINESS ENTERPRISES, AND CERTIFIED MINORITY
34 BUSINESS ENTERPRISES CLASSIFIED AS WOMEN-OWNED BUSINESSES THAT ARE
35 CAPABLE OF COMPLETING ALL OR PART OF THE PROJECT.

1 **(G) IF THE STEPS REQUIRED UNDER SUBSECTION (F) OF THIS SECTION**
2 **ARE NOT DEMONSTRATED TO THE SATISFACTION OF THE DEPARTMENT, THE**
3 **DEPARTMENT MAY WITHHOLD FINANCIAL ASSISTANCE FOR THE PROJECT.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.